

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Troy MacDermott,

Civil No. 24-CV-1234 (DWF/DJF)

Plaintiff,

v.

ORDER

Benjaman Shelabarger, a/k/a
Benjamin Shelabarger,

Defendant.

This matter is before the Court on Plaintiff Troy MacDermott’s self-styled Request for Clarification (ECF No. 106), regarding the September 16, 2024 subpoena he served on Warden Rardin (*see* ECF No. 45-1). He asks the Court to clarify “whether or not the Court considers the subpoena to be rescinded at this time”, and states that “it is [his] desire that it not be considered rescinded and [he] be allowed to continue to try and obtain the requested evidence.” (ECF No. 106 at 1.)

As plainly stated in Mr. MacDermott’s February 21, 2025 Settlement Status Update (ECF No. 76 at 3, “I will also rescind the subpoena to Warden Rardin) and the Court’s subsequent Order (ECF No. 77, “The Court construes the self-styled Settlement Status Update from Plaintiff as ... notice that the subpoena to Warden Rardin is rescinded”), Mr. MacDermott rescinded the subpoena to Warden Rardin more than a month ago.

Mr. MacDermott cannot retract his rescission and seek to enforce the subpoena because he changed his mind. Moreover, he cannot now serve Warden Rardin with a new subpoena because fact discovery in this matter closed on March 24, 2025 (ECF No. 77), and the Court does not find that Plaintiff’s change of heart constitutes good cause to extend it. Fed. R. Civ. P. 16(b)(4).

IT IS SO ORDERED.

Dated: March 25, 2025

s/ Dulce J. Foster

DULCE J. FOSTER

United States Magistrate Judge